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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2005

CHRISTOPHER D. GLENN
1975 Crystal Downs Drive
Corona, California 92883

A C C U S A T I O N

Respiratory Care Practitioner License No. 22307

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California (Board), Department of Consumer Affairs.

2. On or about March 26, 2002, the Board issued Respiratory Care Practitioner License Number 22307 to Christopher D. Glenn (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2007, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states: "The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act]."

5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter."

6. Section 3750 of the Code states:

"The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

" . . .

"(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction. . . ."

7. Section 3752 of the Code states:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of any offense which substantially relates to the qualifications, functions, or duties of a respiratory care practitioner is deemed to be a conviction within the meaning of this article. The board shall order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

1 include attorney general or other prosecuting attorney fees, expert witness fees, and other
2 administrative, filing, and service fees."

3 12. Section 3753.1, subdivision (a) of the Code states:

4 "An administrative disciplinary decision imposing terms of probation may include,
5 among other things, a requirement that the licensee-probationer pay the monetary costs
6 associated with monitoring the probation."

7 CAUSE FOR DISCIPLINE

8 (Conviction of a Crime)

9 13. Respondent is subject to disciplinary action under sections 3750,
10 subdivision (d), 3752 and 490 of the Code, and California Code of Regulations, Title 16, section
11 1399.370, subdivision (c), in that he was convicted of a crime substantially related to the
12 qualifications, functions or duties of a respiratory care practitioner. The circumstances are as
13 follows:

14 A. On or about January 10, 2005, in a criminal proceeding entitled
15 *People v. Christopher Dean Glenn*, in Superior Court, Orange County, Case Number
16 04HM08692, respondent was convicted by a plea of guilty to the crime of driving with
17 .08% or higher blood alcohol level, a violation of Vehicle Code section 23152, subdivision
18 (b), a misdemeanor.

19 B. On or about January 10, 2005, respondent was placed on probation
20 for three years. He was ordered to pay fines of \$597.00 plus penalty assessments,
21 complete a three month first offender alcohol program, complete a Mother's Against Drunk
22 Driving program, and his driving privilege was restricted for 90 days.

23 C. The facts and circumstances surrounding this offense are as follows:

24 On or about September 12, 2004, respondent was stopped by an Irvine
25 police officer at a sobriety checkpoint. The officer detected an odor of alcohol coming
26 from within respondent's vehicle, and he observed that respondent's eyes were red and
27 watery. When he was asked how much alcohol he had consumed, respondent replied in a
28 slurred speech that he had about three beers. Respondent failed the field sobriety tests.

1 The results of his breath test indicated his blood alcohol level was .10%.

2 Respondent was arrested and charged with driving under the influence of
3 alcohol, a violation of Vehicle Code section 23152, subdivision (a), and driving with .08%
4 or higher blood alcohol level, a violation of Vehicle Code section 23152, subdivision (b).

5 DISCIPLINE CONSIDERATIONS

6 14. To determine the degree of discipline, if any, to be imposed on Respondent,
7 Complainant alleges that on or about March 13, 2003, in a prior criminal proceeding entitled
8 *People v. Christopher Dean Glenn*, in Superior Court, San Bernardino County, Case Number
9 MBV24871, respondent was convicted of disorderly conduct: person under the influence of
10 alcohol or drugs, a violation of Penal Code section 647(f), a misdemeanor, and was placed on
11 probation for two years. The record of the criminal proceeding is incorporated as if fully set forth.
12 On or about January 16, 2004, the Respiratory Care Board issued a warning letter to respondent
13 regarding this conviction.

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19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

22 1. Revoking or suspending Respiratory Care Practitioner License Number
23 22307, issued to Christopher D. Glenn;

24 2. Ordering Christopher D. Glenn to pay the Respiratory Care Board the costs
25 of the investigation and enforcement of this case, and if placed on probation, the costs of probation
26 monitoring;

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3. Taking such other and further action as deemed necessary and proper.

DATED: October 28, 2005

Original signed by Liane Zimmerman for: _____
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant